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ABC -- THIS WEEK WITH DAVID BRINKLEY - 21 July 1985

Moderator: Sam Donaldson.
Guests: Stanislav Levchenko, former KGB recruiter; Ret. Gen. Richard Stilwell, Sen. Patrick Leahy, former U.S. Attorney General Griffin Bell.
Correspondents: George Will, Charles Gibson.

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Subject: Spying.

Donaldson: Why had we not been prosecuting spies?

Bell: It's difficult to try spy cases because of the procedures in the federal court system. It's easy to practice graymail, in the sense of making the secret available to the public. This means that you're very reluctant to bring a case to trial if there's a danger of losing the secret. We have problems with disclosing sources and methods. It's just easier not to prosecute sometimes then to prosecute....It's ludicrous to say that every time we catch a spy we should not prosecute....There are more spies in this country probably in the last few years. We have such an open society, we let other governments send people here in the guise of students, and those sort of positions, and we don't have any limit on the number of spies a country can send. President Reagan recently said we ought to have a limit on the number. I said that when I was Attorney General....You say anyone that's caught is going to prison unless they have diplomatic immunity, in which event they would be expelled from the country. That would mean there would be a slowdown in the number of people who were sent here to spy.

Sen. Leahy: People are finally starting to take (spying) seriously, and some of the steps we've taken -- counterespionage with the FBI -- is paying off. But it still is not being taken seriously enough. The Walker case is an example of negligence on the part of the Navy.

Gen. Stilwell: It is an enormously large and complex problem -- the business of protection of classified information for the Department of Defense....Over the last four years, we have enormously increased the size and capabilities of our counterintelligence capabilities. Like anything else, the rules have to be reviewed from time to time to ensure they are fully complied with. There is no question about it that there has been lack of 100% disciplined compliance with the rules currently in effect, which are good rules, for the protection of classified information. And so it's time for review.

Sen. Leahy: A lot of the very significant improvements in the intelligence community have come about because both the House and the Senate Intelligence Committees have formed the kind of bipartisan consensus needed to push them through....There's no way you could pass a law to outlaw the Soviets spying here, but you could certainly cut down the number of those who have diplomatic immunity and give the FBI a fighting chance. Right now they don't have that.

Donaldson: How do the KGB go about recruiting agents?

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